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Dated: \_\_\_\_\_

Docket No.: 4703/1F214US2  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Mitsunori Iwamoto, et al.

Application No.: Not Yet Assigned

Art Unit: 1637

Filed: Concurrently Herewith

Examiner: Young J. Kim

For: NOVEL PROTEIN, ITS GENE, REAGENTS  
FOR INDUCING APOPTOSIS AND  
ANTICANCER AGENTS

**FIRST PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.115**

MS Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**Introductory Comments** begin on page 2 of this document.

**Amendments to the Specification** begin on page 4 of this document.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 5 of this document.

**Remarks** begin on page 7 of this document.

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## INTRODUCTORY COMMENTS

In accordance with Rule 115 of the Rules of Practice, please enter the following amendments and consider the accompanying remarks before examining this application on the merits. This application is a divisional of copending U.S. patent application Serial No. 09/912,176 filed on July 24, 2001 (hereinafter referred to as "the '176 application"). The '176 application is, in turn, a divisional of U.S. patent application Serial No. 09/230,338 filed January 22, 1999 (hereinafter referred to as "the '388 application") which has issued as U.S. Patent No. 6,291,644.

Accordingly, the following documents are also submitted herewith:

- (1) a Utility Patent Application Transmittal;
- (2) a true copy of the '338 application as originally filed;
- (3) a true copy of the executed Declaration and Power of Attorney for Patent Application that was originally submitted for the '388 application;
- (4) an Information Disclosure Statement, including Form PTO/SB/08a/b ("Substitute to Form 1149A/PTO);
- (5) a copy of the Sequence Listing submitted on June 5, 2000 for the '388 application;
- (6) a Transmittal of Sequence Listing document, including the statement required under 37 C.F.R. §§ 1.821(f) and (g) and containing a specific reference under 37 C.F.R. § 1.812(e) to the computer readable form of the Sequence Listing submitted on June 5, 2000 for the '388 application.
- (7) a true copy of the original Japanese language deposit receipt for microorganisms I38A, I32D and I31OH, accompanied by a certified English language translation of each receipt;
- (8) a copy of the Statement Regarding Microorganism Deposits in Accordance with 37 C.F.R. §§ 1.801-1.809, which was originally submitted for the '176 application; and
- (9) a Fee Transmittal, accompanied by the appropriate filing fees.

It is believed that no fee is due for this amendment. However, should the U.S. Patent and Trademark Office determine that a fee is due or that a refund is owed for this divisional application, the Commissioner is hereby authorized and requested to charge any required fee(s) and/or credit any refund(s) owed to our Deposit Account No. 04-0100.

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